

Naples City Council

May 10, 2012

Minutes

The regularly scheduled meeting of the Naples City Council was held May 10, 2012, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dan Olsen and Kenneth Reynolds. Dennis Long was absent

Others attending were Tyson Ferriera, Brandin Murray, Kenneth Deegan, Andrea Guymon, Jared Ihde, Bobby Puiceh, Denice Stringham, Bret Stringham, James Richards, Adam Richards, Carol Thompson, Jim Harper, Mark Watkins, Connie Patton, Craig Blunt, Chris Hoem, and Nikki Kay.

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation. Mayor Baker excused Dennis Long and said Councilman Hall would be a little late.

Mayor Baker asked for approval of the agenda. Councilman Kitchen said he had something to discuss under 'Other Matters.' Gordon Kitchen **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Mayor Baker and the Council wanted to take time to acknowledge and thank Tyson Ferriera for the great job he does of taking care of the Naples Park. Mayor Baker said a number of people have commented on how nice the park looks. Mayor Baker presented Tyson with a gift card in appreciation for his efforts in keeping everything looking so well at the park.

Mayor Baker asked for approval of the minutes of April 26, 2012. Dan Olsen **moved** to approve the minutes as presented. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Councilman Kitchen

DATE, TIME & PLACE OF MEETING

COUNCIL MEMBERS ATTENDING

OTHERS ATTENDING

OPENING CEREMONY

AGENDA APPROVED

SPECIAL RECOGNITION

MINUTES APPROVED

FOLLOW UP ITEMS FROM PREVIOUS MEETING

said he was contacted by Arlene Murray and was told that she would not be pursuing the speed limit change on 2500 South.

Connie Patton presented the bills in the amount of \$31,657.13 and asked for approval to pay them. Kenneth Reynolds **moved** to approve the bills in the amount of \$31,657.13. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application for **Threading by Manisha** was presented for Council approval. Craig Blunt stated he didn't have any problems recommending approval of the license. The business will be located in the Studio Six motel. Dan Olsen **moved** to approve the business license. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

Bret and Denice Stringham came before the Council to discuss the fence that should have been built between their property and the Sunstone Subdivision as part of the agreement with the original developer. Mr. Stringham said his understanding was that Mr. Haws, the original developer in Sunstone Subdivision, was going to place a barrier (fence) all the way down the subdivision to separate their agricultural property from the subdivision. Mrs. Stringham stated that stipulation was not included in the minutes or in the performance bond and when Mr. Haws defaulted on the bond, there was nothing in place to require the fence be completed. Mr. Stringham suggested the City put something in the ordinance requiring a fence between residential and agriculture as part of the performance bond. Mrs. Stringham said they are looking at a financial burden now because they are going to have to put in a fence that will place a barrier between their property and the subdivision. Mayor Baker wanted to know if the present developer has mentioned anything about a fence. Mr. Stringham said they were told they wouldn't be putting up any fences. Mr. Stringham wanted the Council to put guidelines in place, requiring a barrier fence between agricultural land and subdivision

APPROVAL OF THE BILLS

BUSINESS LICENSE APPROVALS

DISCUSSION REGARDING VERBAL AGREEMENT FOR FENCE AROUND SUNSTONE SUBDIVISION

developments and making that part of the Land Use Ordinance. Mayor Baker agreed that it would be a good thing to add to the Ordinance making it a requirement from here on. Mr. Stringham said it might be good to meet with agricultural land owners to define what type of fence would be needed, he thought it should be some type of tubing fence. Mayor Baker wanted to know if a chain link with privacy slats would work. Mr. Stringham said it needed to be some type of tubing fence with a net wire horse fence. Mr. Stringham said the Council needed to protect those people that have lived here forever. Mayor Baker asked Chris Hoem to take this discussion back to the Planning and Zoning Commission and see if they could start the process to get something in place. Mrs. Stringham wanted to know if the City could help them out financially in any way because they have a pretty hefty bill in front of them. She said they were under the impression that the fence should have been in the performance bond and were told that it wasn't. Mrs. Stringham said they sat in a meeting with Mr. Haws and were told that the fence would be done and it wasn't. Mayor Baker said the performance bond usually only covers the infrastructure. Mayor Baker asked Craig if the performance bond was over. Craig said it covers the infrastructure but not fences or sidewalks. Mr. Stringham said maybe that was something the City needs to add to make sure it gets done. Mayor Baker said he wasn't sure if there was anything they could do to help them but he would discuss it with Craig. Mrs. Stringham said they have over a thousand feet of fence already. Mrs. Stringham asked about a right-of-way to be able to get a truck and welder in to put up their fence, she said they might end up on people's property to get that done. Mr. Stringham said if there is any grievance he wanted to make sure the Council was aware of what they are doing. Mr. Stringham thanked the Council for their time.

Councilman Hall arrived at this time.

Chief Watkins presented two travel requests for approval. He said they were both K-9 related, the funds are in the budget, and they could approve them both at the same time. The first request was for Corporal Cox to attend training as part of his K-9 instructor classes. The second was for Officer Tatangelo and his new dog to attend narcotics detection training. The requested amounts were \$120 and \$370. Robert Hall **moved** to approve both training requests. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

***POLICE TRAVEL
REQUESTS***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked for Council approval to purchase new tires for the older dump truck. Jim stated the dump truck wouldn't be able to pass inspection without at least one axle of new tires. Jim asked if the Council would approve an additional \$17 on top of the bid he presented for new tires in order to cover the cost of the inspection. The total cost presented was \$1,814.22. Dan Olsen **moved** to expend \$1,814.22 for tires and inspection to Dan's Tire. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

***R E Q U E S T
A P P R O V A L T O
P U R C H A S E T I R E S***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked the Council to approve an expenditure he already made for the one-ton truck. He stated when they went to inspect the truck it was determined that the truck wouldn't pass without new tires. The amount spent was \$1,084.70. Kenneth Reynolds **moved** to approve \$1,084.70. Robert Hall **seconded** the motion. The motion passed with a roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Richards came before the Council to request expansion of his storage facility, Fort Knox Storage located at 2225 South 3250 East. Chris Hoem said the Planning Commission approved the expansion with the stipulation that if any residential development happens anywhere nearby a fence will be built to separate the uses. Jim presented a letter stating what he wants to do with his storage area. Mr. Richards stated he wanted to modify and add things to his conditional use permit for Fort Knox Storage and RV parking. Mr. Richards requested that storage units be added to the

***R E Q U E S T T O E X P A N D A T
F O R T K N O X S T O R A G E -
2 2 2 5 S O U T H 3 2 5 0 E A S T***

conditional uses allowed in an A-1 zone. He also requested that he be able to build two self-storage buildings in his storage parking lot. Mr. Richards said he currently has portable storage containers and he has a company that wants to store their portable storage containers on his site. Mr. Richards had a drawing of the two buildings and said he would build them as he has the money to do so. Mr. Richards reported that Ashley Valley Water has recently installed a new fire hydrant at the corner of this property and the new building will be within the 500' required by the fire code. Mr. Richards also requested that his original conditional use permit be modified to eliminate the requirement that the facility be fenced and gated. Mr. Richards said they have found their customers really like the open facility feature of their storage business. Mr. Richards invited his son Adam to discuss the storage facility he operates that has a very open area allowing customers to come and go freely. Mr. Richards said if they don't have a fence it allows large trucks to get in and out without any real problems. Mr. Richards said he has an agreement with the neighbors on the south side of his property that he will maintain an eight-foot wide fire break road on their side of the property line. Mayor Baker questioned if Mr. Richards could put his building as close to the property line as shown in his drawing. Craig said the closer the building gets to the property line the higher the fire code rating for the structure has to be. Bret Stringham said there should be a footage from property line in any zone. Craig said there are set back regulations in an agricultural zone. Councilman Kitchen wanted to know what the fencing requirement would be if this were located in a commercial zone. He said he understands that Mr. Richards is out there by himself but there still should be certain requirements. Mr. Richards did say the Planning Commission required a fence, if and when there is development to the south. Chris Hoem said the next item on the agenda was to discuss allowing storage facilities as a conditional use in an A-1 zone. Mayor Baker thought the Council should have that discussion before this. Gordon Kitchen **moved** to table the discussion on Fort Knox Storage until after the public hearing. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to open a public hearing to discuss changes to chapter 02-21 of the Land Use Ordinance. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***PUBLIC HEARING FOR
LAND USE DISCUSSION***

Chris Hoem said there is a list of conditional uses for an agricultural zone in chapter 02-21 of the Land Use Ordinance. Chris said they would be discussing adding storage facilities to the list. Chris said the conditions are set by the Planning Commission and the Council. Councilman Hall wanted to know what was currently on the list. Chris said the list included gas wells, kennels, gravel and sand pits, and private airports. Mayor Baker said he is concerned about changing the use of an agricultural zone which primary use should be agriculture and not commercial. He stated that if you start to add too many uses then the zone should be changed. Bret Stringham said he doesn't want RA-1 to include storage facilities. Chris Hoem said they are talking strictly about A-1 zones. Mayor Baker said they also need to use caution with the term "storage facility" he said the term is too broad. Jim Richards said his current conditional use permit allows him to store boats, campers, and trucks. Mr. Stringham thought they should eliminate the use of pods in the future. Mayor Baker said he looked at it the other way, he wondered if "permanent" storage facilities should be approved under a conditional use where the conditions could be revoked at some time. They discussed using the term enclosed storage facility if it were included on the permitted use list. Mrs. Stringham said she would suggest leaving the word out and make people come to the Commission and the Council for those conditions. Craig gave Mr. Richards a copy of the fire code that stated he would have to be ten feet away from the property line in order to not have a fire rating on his building. Mr. Richards proposed withdrawing the request for building number two and just proceed with building number one. With no other comments from the public on the permitted uses in an A-1 zone, Robert Hall **moved** to close the public hearing. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Councilman Kitchen referred back to the point made by Mrs. Stringham about not making any change to the ordinance because a person would have to come to the Commission or Council in order to get the conditions under a conditional use. Councilman Kitchen **moved** to leave the A-1 conditional list as is and to not make any changes. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to go back to the discussion regarding Fort Knox Storage. Robert Hall **seconded** the motion. Councilman Reynolds said if Mr. Richards agrees to the requirements of the fire code then he didn't have any

***R E V I S I T T H E
D I S C U S S I O N O N F O R T
K N O X S T O R A G E***

problem agreeing to the one building at this time. Councilman Olsen asked if Councilman Reynolds was also willing to drop the fence requirement. Councilman Reynolds said yes, unless Mr. Richards has development around his facility. Mr. Richards said that he is willing to build a privacy fence if any residential development occurs anywhere around the perimeter of his storage property. Councilman Kitchen wanted to see the discussed conditions put down on paper so everyone understands what the conditions are and have those brought back to the Council before approval is given to Mr. Richards. Gordon Kitchen **moved** to table this matter and have the conditional uses put down in writing and have those brought back before them. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Ordinance 12-139, an amendment to chapter 02-21 of the Land Use Ordinance. No action was taken on this matter as the Council chose not to make any changes to the Land Use Ordinance.

Craig Blunt reported to the Council that he currently does not have very much information on the request to move the DUP Monument on Highway 40 to the road side park. Craig said he would have more information at the next meeting, after he has a chance to meet with people from the Daughters of the Utah Pioneers. Craig said he believed they are expecting the City to cover the cost of moving the monument. Mayor Baker wanted to see if Craig could contact someone from the oilfield to see if they would donate the time and equipment to move the monument. Craig said the City will probably be required to cover the cost of the cement pad to set it on.

Craig updated the Council on the City's upcoming anniversary celebration. He said they will be running radio ads on Friday and Monday for the open house and thought they had everything else in order.

A discussion was held as to when to hold a public hearing to discuss adoption of the new fiscal year budget. Dates were also discussed for a budget workshop. Gordon Kitchen **moved** to hold a public hearing on May 24, 2012 and to schedule a budget workshop on June 7, 2012 at 7:30 p.m. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to adopt the tentative budget as

***ORDINANCE 12-139
AMENDMENT TO
CHAPTER 02-21 OF LAND
USE ORDINANCE***

***INFORMATION TO
RELOCATE DUP
MONUMENT***

***UPDATE ON
ANNIVERSARY OPEN
HOUSE***

***MOTION TO ADOPT
TENTATIVE BUDGET AND
SET PUBLIC HEARING
FOR NEW FY BUDGETS***

presented. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dan Olsen **moved** to go into a closed meeting at this time to discuss the lease, sale or purchase of real property. Robert Hall **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Those in attendance at the closed meeting were Mayor Baker, Council members Robert Hall, Dan Olsen, Kenneth Reynolds, and Gordon Kitchen. Craig Blunt, Chris Hoem, Mark Watkins and Nikki Kay were also in the meeting.

Gordon Kitchen **moved** to come out of the closed meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Craig Blunt updated the Council on the Highway 40 street light project. He said that UDOT stated they could commit \$100,000 to the project over a two-year period. Craig said the City would have to cover the cost of labor and running the wire. Craig said he still needed to get with Rocky Mountain Power about attaching to the poles.

Councilman Hall asked about the signal light on 2500 South and wanted to know if it would happen before the road is resurfaced. Craig said UDOT stated they would come out and mark the radius on the corners to see what they might be looking at in order to obtain any needed easements.

Councilman Kitchen said they are starting a new cycle of master planning for the parks and they will be hosting open houses with the first one beginning on May 16, 2012 at the Recreation Center.

CLOSED MEETING

OTHER MATTERS

Councilman Hall asked if Craig heard from anyone from the airport board about meeting with the Council. Craig said the message he received stated the Engineers for the airport would be here on a certain date and would be happy, as a courtesy, to meet with him but other than that they wouldn't come to a Council meeting. Craig said they are ignoring the Ordinance. Craig said in the Ordinance it says if there is development taking place then it goes before the Planning Commission for approval. Craig said they are purchasing land to the west and he feels they need to address the issues. Mayor Baker said the owners of the airport might need to hear that. He thought the City should draft a letter to Vernal City and Uintah County stating that "any construction inside Naples City boundaries needs to come before the Planning Commission in order to be in compliance. It was recommended the letter be ready for the next meeting.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:00 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 24th DAY OF May 2012

BY: _____

ATTEST: _____